

AO 91 (Rev. 11/11) Criminal Complaint

Felony

UNITED STATES DISTRICT COURT

for the

Southern District Of Texas

United States of America)

v.)

1 Robert MARDIS, 2 Carlos ZUVIERIE,
 3 Silvestre CRUZ, 4 Jesus ESPINOZA, 5 Faustine
 FLORES-Maya, and 6 Israel LEAL-Cruz)

Defendant(s)

Case No.

*B-17-373-MJ*United States District Court
Southern District of Texas
FILED

MAR 19 2017

CRIMINAL COMPLAINT

David J. Bradley, Clerk of Court

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 3/18/2017 in the county of Cameron in the
 Southern District of Texas, the defendant(s) violated:

Code Section

Offense Description

21 U.S. C. 841a(1) & 846

Knowingly and intentionally possess with
 intent to distribute approx. 168.1 kilos
 of marijuana, Schedule I controlled
 substance under CSA of 1970; Conspiracy
 to possess with intent to distribute the
 same 168.1 kilograms of marijuana.

This criminal complaint is based on these facts:

See attachment

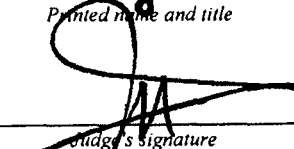
☒ Continued on the attached sheet.

Complainant's signature

Elias L. Gonzalez, DEA Special Agent

Printed name and title

Submitted by reliable electronic means, sworn to and signature attested
 as per Fed. Rules Cr. Proc. 4.1

Date: 3/19/2017City and state: Brownsville, Texas

Judge's signature

U.S. Magistrate Judge Ignacio Torteya III

Printed name and title

United States District Court
Southern District of Texas
FILED

MAR 19 2017

David J. Bradley, Clerk of Court

United States

V.

MARDIS, Robert Wayne,
ZUVIERIE-Nunez, Carlos,
CRUZ-Puente, Silvestre,
FLORES-Maya, Faustino Homer,
ESPINOZA-Fragoso, Jesus Ernesto,
LEAL-Cruz, Israel Fernando

ATTACHMENT
(AFFIDAVIT CONTINUED)

On March 18, 2017, at approx. 7:49 a.m., Border Patrol Agent (BPA) Mario Vicencio responded to sensor activations near the intersection of Alaska Road and S. Oklahoma Road in Brownsville, Texas. This intersection is commonly used to smuggle narcotics due to a permanent gap in the border fence leading to a main road which allows vehicles to quickly load narcotics and proceed away from the river. Several marked Border Patrol units also responded to the surrounding area as well, in the event that a loaded vehicle had already absconded. BPA Vicencio arrived at the intersection approximately 4-5 minutes later and proceeded to drive south of the border fence at which time he observed five (5) subjects running south towards the Rio Grande River. All five subjects were carrying what appeared to be bundles that were wrapped in a manner consistent with that of marijuana bundles.

Shortly after, additional BPA marked units arrived at the last known location. BPA Vicencio advised that all five (5) ran into a brush line that surrounds an irrigation ditch. Border Patrol Agents Martin Sierra, Frank Zuno and Hector Guerra arrived within a seconds and were able to create a perimeter around the subjects. BPA Guerra deployed his canine partner in the last known location of the subjects. BPA Guerra quickly advised that his canine alerted to the subjects trail, stating that they were in the north side of irrigation ditch. BPA Vicencio and BPA Zuno were able to observe four subjects standing in the irrigation ditch immediately south of the canine's location. BPA Martin Sierra advised that he had observed the fifth subject run back to the river and was swimming back to Mexico.

While Border Patrol units were responding to the intersection of Alaska and S. Oklahoma, BPA Christopher Watkins conducted a traffic stop on a white sport-utility traveling west on Dockberry Road at a high rate of speed.

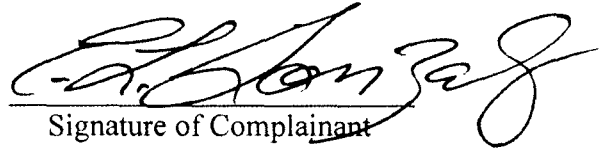
On March 18, 2017, at approx. 7:49 a.m., BPA Watkins, observed several Agents responding to a game camera activation near the intersection of Alaska Road and South Oklahoma Road in Brownsville, Texas. The image from the game camera was reported, via Department Radio, as 3 subjects carrying 3 bundles of what appeared to be narcotics and they were going north through the border fence at the aforementioned intersection. This intersection is commonly used to

smuggle narcotics due to a permanent gap in the border fence leading to a main road which allows vehicles to quickly load narcotics and proceed away from the river. BPA Watkins learned from his experience of smuggling events that the load vehicles tend to travel westbound from South Oklahoma Road on Dockberry Road and head towards South Indiana Avenue. AT South Indiana Avenue, BPA Watkins turned east onto Dockberry Road and observed a white 1999 Isuzu Trooper travelling westbound at a high rate of speed. Seeing that the vehicle was heading my way, BPA Watkins pulled over to the side of the road and allowed it to pass my location. The vehicle slowed down to a normal speed as it approached BPA Watkins location and BPA Watkins observed a male driver and several subjects seated in the back seat. As the driver passed BPA Watkins location, he made eye contact with me and he gave me an extremely nervous/scared look. BPA Watkins turned around to get behind the vehicle, BPA Watkins noticed 3 subjects in the back seat and noticed that the driver kept checking his driver's side and rearview mirror to better observe the BP vehicle. Based on BPA Watkins' experience with narcotic and alien smuggling activity, BPA Watkins was certain that this vehicle had loaded up the 3 subjects from the game camera as well as the 3 bundles of narcotics.

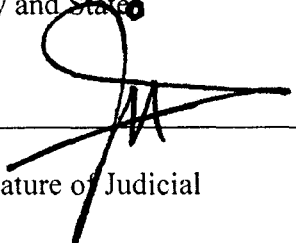
At approx. 7:55 a.m., the vehicle stopped and was about to turn right at the intersection of South Indiana Avenue and Dockberry Road, BPA Watkins activated my emergency lights and wiggles. As BPA Watkins approached the vehicle on foot, and noticed the rear passenger side door open slightly. Believing that the subjects were about to flee, BPA Watkins quickly approached that side of the vehicle and observed 3 male subjects in the back seat. The passenger window was partially down and before BPA Watkins could say anything, the driver, later identified as MARDIS, Robert Wayne, blurted out, "I'm sorry Sir. I don't know these guys. They just asked me for a ride. I'm sorry." BPA Watkins could see the 3 subjects in the back seat and they looked extremely nervous. BPA Watkins saw the rear driver-side passenger, later identified as CRUZ-Puente, Silvestre open his door as if to flee. BPA Watkins opened the rear passenger-side door and immediately noticed what appeared to be a bundle of marijuana, wrapped in clear cellophane, sticking up from the cargo area of the vehicle. BPA Watkins could tell, via the 3 rear seat passengers' body language, that all 3 backseat passengers were about to flee. BPA Watkins reached over the 2 subjects closest to him and grabbed hold of CRUZ's right arm, while he was holding a cell phone. CRUZ was attempting to pull away from my grasp when the rear passenger-side passenger, later identified as ZUVIERIE-Nunez, Carlos, told CRUZ and the middle seat passenger to run. CRUZ and the rear middle seat passenger, later identified as FLORES-Maya, Faustino Homero ran from the vehicle. BPA Watkins grabbed ahold of ZUVIERIE-Nunez, Carlos' upper torso as he struggled to exit the rear driver's side door. He was able to drag BPA Watkins across the back seat of the vehicle and exit the vehicle. As ZUVIERIE exited the vehicle and was in a semi-standing position with me still holding onto him as I lay across the rear seat, he used his right closed fist to strike me in the left temple of my head. This type of strike is commonly referred to as a hammer strike and caused great pain to the left side of his head. At this point, ZUVIERIE's shirt ripped and he fled the area on foot with CRUZ and FLORES. All 3 subjects were last seen running south along South Indiana Avenue heading towards Villa Poncho Street and after a search of the area all 3 subjects were later arrested in the vicinity of Villa Pancho Street.

BPA Frank Zuno used the Marquis Reagent field test kit to test the suspected narcotics. The test revealed positive for possessing the physical and chemical characteristics associated to that of

marijuana. Agent Zuno also weighed the bundles of Marijuana. The bundles of marijuana had a total weight of 168.12 kilograms. The narcotics were then processed accordingly and secured in the High Risk Seizure Evidence room for safe keeping.


Signature of Complainant

Submitted by reliable electronic means, sworn to and signature attested
as per Fed. Rules Cr. Proc. 4.1

<u>03-19-2017</u>	at	<u>Brownsville, Texas</u>
Date		City and State
<u>Magistrate Judge Ignacio Torteya III</u>		
Name and Title of Judicial Officer		Signature of Judicial